THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 15-09-2005

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WRIT PETITION No.20140 of 2005

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Between:

Bharat College of Education . . .Petitioner

And

The A.P. State Council of Higher Education, Hyderabad,

and others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.20140 of 2005

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O R D E R:

The petitioner is a college of education and it is conferred with minority status. The Government issued G.O.Ms.No.26, Education Department, dated 03-02-2005, prescribing the procedure for admitting the candidates into the Government Minority and Non-Minority colleges of education in the State. The admission into various categories of seats in different types of colleges, concludes with the third phase of counselling under the supervision of the Convenor, Ed.CET-2004, Hyderabad, the second respondent. However, if any seats remain even after the third phase, they are to be filled up through a process known as 'spot admissions'. The Regional Joint Director of School

Education of the area concerned is conferred with the power to stipulate a schedule for this purpose.

The second respondent issued a notification dated 22-08-2005 prescribing the schedule and mode of spot admissions. In that notification, he has indicated the ranks below which, the colleges can select the candidates. The grievance of the petitioner is that though it had issued an advertisement inviting candidates in terms of the notification issued by the second respondent, as many as eight seats are still vacant. It seeks appropriate directions to enable it to fill the seats with the candidates, who are qualified in Ed.CET-2004.

The learned counsel for the petitioner submits that once the balance seats are permitted to be filled in through procedure of spot admissions, there was no basis for the respondents in stipulating the limits as to ranks. He contends that such a condition had virtually, defeated the very purpose of conducting spot admissions.

The learned Standing Counsel for the Andhra Pradesh State Council of Higher Education, Hyderabad, the first respondent, submits that the stipulation of outer limits in terms of the ranks, was done with a view to facilitate proper and healthy way of selection of candidates and that it is not permissible for the petitioner to fill the seats at this stage, since the course has already commenced.

It is not necessary to refer to various methods of admission into different categories of seats in minority institutions. The controversy is only in relation to the left over seats. They can be filled up, through the process, known as spot admission, in accordance with G.O.Ms.No.26, dated 03-02-2005. A perusal of the G.O. discloses that the spot admissions are not restricted to any ranks nor they are regulated by the second respondent. The procedure is that the institutions themselves can issue advertisement, inviting applications, duly indicating the number of available seats and fill them with such of the candidates, who respond to it, duly following the merit among them. Insistence that the invitation for this category of seats shall be upto a particular rank, would defeat the purpose of conducting spot admissions. There is no rational basis for restricting such admissions upto a particular rank. On account of stipulation of such limits, there was no response for the notification issued by

the petitioner. Conversely, candidates with ranks outside such limit were denied of opportunity.

So far as the plea as to the closure of admissions and stage of course is concerned, it is evident that the admissions were permitted to take place upto 29-08-2005. On the next day itself, the petitioner made a representation to the respondents seeking permission to go for admissions beyond the ranks stipulated in the notification. Hardly, few working days have passed since then.

In that view of the matter, the writ petition is disposed of leaving it open to the petitioner to invite applications and conclude spot admissions, within three days from today, restricting the admissions to only such of the candidates, who are qualified in that Ed.CET, and by complying with the other conditions stipulated in the notification dated 22-08-2005.

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(L.NARASIMHA REDDY, J)

15th SEPTEMBER, 2005.

Note: L.R. Copy be marked.

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